

B² cont'd DOCKET NO.: ISIS-4390

PATENT

No. 09/334,130, filed June 15, 1999, now pending. The foregoing patent application is assigned to the same assignee as this patent application and is incorporated herein by reference.

In the claims:

Please amend the claims as follows:

BB 31. (amended) The method of claim 26 wherein said arylpropionic acid is ibuprofen.

35. (amended) The method of claim 34 wherein said arylpropionic acid is chiral.

36. (amended) The method of claim 35 wherein said chiral arylpropionic acid has the S configuration.

BB 37. (amended) The method of claim 35 wherein said chiral arylpropionic acid has the R configuration.

38. (amended) The method of claim 34 wherein said aryl groups are substituted or unsubstituted benzyl, phenyl, xylyl, naphthyl, toluyl, pyrenyl, anthracyl, phenanthryl, azulyl, phenethyl, cinnamyl, benzhydryl, and mesityl wherein said substituents are hydroxyl, alkyl, alkoxy, alcohol, benzyl, phenyl, nitro, thiol, thioalkoxy, halogen, or alkyl, substituted alkyl, aryl, alkenyl, or alkynyl groups.

49. (amended) The method of claim 48 wherein said arylpropionic acid is chiral.

B⁴ 50. (amended) The method of claim 49 wherein said chiral arylpropionic acid has the S configuration.

51. (amended) The method of claim 49 wherein said chiral arylpropionic acid has the R configuration.

configuration.

But cont'd
52. (**amended**) The method of claim 48 wherein said aryl groups are substituted or unsubstituted benzyl, phenyl, xylyl, naphthyl, tolyl, pyrenyl, anthracyl, phenanthryl, azulyl, phenethyl, cinnamyl, benzhydryl, and mesityl wherein said substituents are hydroxyl, alkyl, alkoxy, alcohol, benzyl, phenyl, nitro, thiol, thioalkoxy, halogen, or alkyl, substituted alkyl, aryl, alkenyl, or alkynyl groups.

REMARKS

Claims 1, 2, 5-19, 21-29, 31, 32, 34-44, 46, and 48-57 are pending. Claims 35-38, 49-52 and 54 were objected to under 37 CFR 1.75(C). Claims 31, 35-38 and 49-52 have been amended to conform to 37 CFR 1.75(C). No new matter has been added.

Information Disclosure Statement

The Office Action has also stated that U.S. Application Serial Numbers 07/ 463,358 (Reference **JU**), 07/566,977 (Reference **JV**), 08/383,666 (Reference **JW**), 08/398,901 (Reference **JX**), 09/016,520 (Reference **JY**), 09/123,108 (Reference **JZ**) and 09/130,973 (Reference **KA**) have been removed as they have allegedly failed to comply with 37 C.F.R. 1.98.¹ However, as Applicant has noted on sheet 16 of 16 of the current IDS, 37 C.F.R. 1.98 (Rule 98) requires that no copy of a pending U.S. application need be included in an IDS.² There is no requirement that a pending U.S. application cited in an IDS needs a publication date to be considered on an IDS. Absent some

¹ Applicants note that the Office Action seems to have mislabeled the cited references along with incorrect IDS filing dates. Applicants have included the correct citations in bold and not that the current IDS was file August 3, 2000.

² At the time the current IDS was filed, 37 C.F.R. 1.98(a)(2)(iii) stated "that no copy of a U.S patent application